



General Assembly

January Session, 2011

Raised Bill No. 884

LCO No. 2817

02817_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT PROHIBITING SMOKING IN PRIVATE CLUBS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 19a-342 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2011*):

4 (a) As used in this section, "smoke" or "smoking" means the lighting
5 or carrying of a lighted cigarette, cigar, pipe or similar device.

6 (b) (1) Notwithstanding the provisions of section 31-40q, no person
7 shall smoke: (A) In any building or portion of a building owned and
8 operated or leased and operated by the state or any political
9 subdivision thereof; (B) in any area of a health care institution; (C) in
10 any area of a retail food store; (D) in any restaurant; (E) in any area of
11 an establishment with a permit issued for the sale of alcoholic liquor
12 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-23, 30-24a,
13 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, [in any
14 area of an establishment with a permit for the sale of alcoholic liquor
15 pursuant to section 30-23 issued after May 1, 2003,] and, on and after
16 April 1, 2004, in any area of an establishment with a permit issued for

17 the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the
18 bar area of a bowling establishment holding a permit pursuant to
19 subsection (a) of section 30-37c; (F) within a school building while
20 school is in session or student activities are being conducted; (G) in any
21 passenger elevator, provided no person shall be arrested for violating
22 this subsection unless there is posted in such elevator a sign which
23 indicates that smoking is prohibited by state law; (H) in any dormitory
24 in any public or private institution of higher education; or (I) on and
25 after April 1, 2004, in any area of a dog race track or a facility equipped
26 with screens for the simulcasting of off-track betting race programs or
27 jai alai games. For purposes of this subsection, "restaurant" means
28 space, in a suitable and permanent building, kept, used, maintained,
29 advertised and held out to the public to be a place where meals are
30 regularly served to the public.

31 (2) This section shall not apply to (A) correctional facilities; (B)
32 designated smoking areas in psychiatric facilities; (C) public housing
33 projects, as defined in subsection (b) of section 21a-278a; (D)
34 classrooms where demonstration smoking is taking place as part of a
35 medical or scientific experiment or lesson; (E) smoking rooms
36 provided by employers for employees, pursuant to section 31-40q; (F)
37 notwithstanding the provisions of subparagraph (E) of subdivision (1)
38 of this subsection, the outdoor portion of the premises of any permittee
39 listed in subparagraph (E) of subdivision (1) of this subsection,
40 provided, in the case of any seating area maintained for the service of
41 food, at least seventy-five per cent of the outdoor seating capacity is an
42 area in which smoking is prohibited and which is clearly designated
43 with written signage as a nonsmoking area, except that any temporary
44 seating area established for special events and not used on a regular
45 basis shall not be subject to the smoking prohibition or signage
46 requirements of this subparagraph; or (G) any tobacco bar, provided
47 no tobacco bar shall expand in size or change its location from its size
48 or location as of December 31, 2002. For purposes of this subdivision,
49 "outdoor" means an area which has no roof or other ceiling enclosure,
50 "tobacco bar" means an establishment with a permit for the sale of

51 alcoholic liquor to consumers issued pursuant to chapter 545 that, in
52 the calendar year ending December 31, 2002, generated ten per cent or
53 more of its total annual gross income from the on-site sale of tobacco
54 products and the rental of on-site humidors, and "tobacco product"
55 means any substance that contains tobacco, including, but not limited
56 to, cigarettes, cigars, pipe tobacco or chewing tobacco.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	19a-342(a) and (b)

Statement of Purpose:

To prohibit smoking in private clubs.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]